

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE and JANE DOE, Individually and on behalf of
M.S., an Infant, as Next Friends,

Plaintiffs,

– against –

**NOTICE OF
MOTION
TO DISMISS**

ANTHONY ANNUCCI, Acting Commissioner of the New York State Department of Corrections and Community Supervision; TINA STANFORD, Chairwoman of the New York State Board of Parole; WILLIAM HOGAN, Regional Director of New York State Department of Corrections and Community Supervision; JOSEPH LIMA, Bureau Chief of the Manhattan VI Area Office of the New York State Division of Parole; TERRENCE X. TRACY, Counsel for the Board of Parole; Parole Officer EMILY SCOTT; Parole Officer SIMON VALERIO; Parole Officer REBECCA RODRIGUEZ; Parole Officer RENNIE RODRIGUEZ; Senior Parole Officer FNU ROSADO; Parole Officer FNU MERCEDES,

Case No. 1:14-CV-02953 (PAE)

Defendants.

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Mark T. Walsh, Esq., sworn to on June 30, 2014, together with the exhibits annexed thereto, and the accompanying Memorandum of Law, defendants Anthony Annucci, Tina Stanford, and Terrence X. Tracy (collectively “Defendants”), by and through their counsel, Gleason, Dunn, Walsh & O’Shea, will move this Court pursuant to Rule 12(b) of the Federal Rules of Civil Procedure at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007-1312, on July 21, 2014 at such time as the Court may direct, for an Order:

- (1) granting Defendants’ motion to dismiss with respect to plaintiffs’ claims against them for failure to state a cause of action under Rule 12(b)(6) of the Federal Rules of Civil Procedure;

- (2) granting Defendants' motion to dismiss with respect to plaintiffs' claims against them for lack of subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure; and
- (3) for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda shall be served within fourteen (14) days after the service of the motion papers and any reply affidavits and memoranda of law shall be served within seven (7) days after service of the answering papers.

Dated: Albany, New York
June 30, 2014

GLEASON, DUNN, WALSH & O'SHEA

By: 

MARK T. WALSH, ESQ.

Bar Roll No. MW5155

DANIEL A. JACOBS, ESQ.

Bar Roll No. DJ1082

Attorneys for Defendants Anthony Annucci,
Tina Stanford & Terrence X. Tracy

40 Beaver Street
Albany, NY 12207
(518) 432-7511
mwalsh@gdwo.net
djacobs@gdwo.net

TO: Michael B. Mukasey, Esq.
Blair R. Albom, Esq.
Sean Heikkila, Esq.
Debevoise & Plimpton LLP
Attorneys for Plaintiffs
919 Third Avenue
New York, New York 10022
(212) 909-6022
mbmukase@debevoise.com
bralbom@debevoise.com
sheikkil@debevoise.com

Lauren P. Stephens-Davidowitz, Esq.
Thomas M. Nosewicz, Jr., Esq.
Office of the Appellate Defender
Attorneys for Plaintiffs
11 Park Place
New York, New York 10007
(212) 402-4123
lstephens-davidowitz@appellatedefender.org
tnosewicz@appellatedefender.org

Arthur J. Smith, Esq.
Baxter & Smith, P.C.
125 Jericho Turnpike
Jericho, New York 11753
(516) 997-7488
asmith@bssnylaw.com

Jeffery P. Mans, Esq.
Sheehan Greene Carraway Golderman
& Jacques, LLP
Attorneys for Defendants Joseph Lima,
Simon Valerio, Milza Mercedes, Rebecca
Rodriguez, and Rennie Rodriguez
54 State Street
Albany, New York 12207
(518) 462-5260
jmans@sheehangreene.com

David T. Luntz, Esq.
Hinman Straub, P.C.
Attorneys for Defendant William Hogan
121 State Street
Albany, New York 12207
(518) 436-4751
dluntz@hinmanstraub.com

Edward Hammock, Esq.
Hammock & Sullivan, PC
Attorneys for Defendant Richard Rosado
130-30 31st Avenue, Suite #700
Flushing, New York 11354
(516) 429-6811
lawoffice@hammock-sullivan.com

Edward M. Kratt, Esq.
Attorney for Defendant Richard Rosado
350 Broadway, Suite 1202
New York, New York 10013
(212) 941-1277
edkratt@verizon.net